

On motion of Senator Harris, the Senate proceeded to the House for the purpose aforesaid.

IN JOINT SESSION.

Senate roll called. Quorum present.

House roll called. Quorum present.

The minutes of the Senate of yesterday, with regard to the election of United States Senator, were read.

The minutes of the House of yesterday, with regard to the election of United States Senator, were read.

The Speaker of the House then announced that Hon. Richard Coke had, on yesterday, received in the Senate 29 votes, and in the House 99 votes, making a total of 128 votes, and he further announced that Hon. Richard Coke, having received, on yesterday, a majority of the votes of the Senate and of the House of Representatives for United States Senator, was duly and constitutionally elected United States Senator for the State of Texas, for six years, commencing on the fourth of March, A. D. 1883.

On motion of Senator Houston, the joint session adjourned, and the Senate retired to its chamber.

IN SENATE.

A message was received from the House announcing the the passage of Senate bill No. 9, "An act to amend section 11 of an 'act to protect the wool growing interest of the State of Texas,' approved March 25, 1879." Referred to Committee on Stock and Stockraising.

Also, a concurrent resolution instructing our Senators and requesting our Representatives in Congress to vote against any tax on quinine.

Senate bill No. 13, "An act to amend articles 669 and 670 of the Code of Criminal Procedure," was taken up, read third time and passed.

Senate bill No. 17, "An act to repeal an act entitled 'an act granting to persons who have been permanently disabled by wounds received while in the service of this State or of the Confederate States, a land certificate of 1280 acres of land,'" was taken up and read third time.

Senator Houston offered the following amendment: Amend by adding the following: "Provided that nothing in this act shall affect the validity of certificates already issued under the act repealed, or the issuance of patents thereunder." Adopted by the following vote:

YEAS—21.

Buchanan,	Getzendaner,	Peacock,
Chesley,	Houston,	Perry,
Collins,	Johnson of Collin,	Pope,
Cooper,	Jones,	Randolph,
Evans,	Kleberg,	Shannon,
Fleming,	Martin,	Terrell,
Fowler,	Matlock,	Traylor.

NAYS—6.

Davis,	Gibbs,	King,
Farrar,	Harris,	Pfeuffer.

Bill passed by the following vote:

YEAS—28.

Buchanan,	Harris,	Peacock,
Chesley,	Houston,	Perry,
Collins,	Johnson of Collin,	Pfeuffer,
Cooper,	Jones,	Pope,
Evans,	King,	Randolph,
Farrar,	Kleberg,	Shannon,
Fleming,	Martin,	Stratton,
Fowler,	Matlock,	Terrell,
Getzendaner,	Patton,	Traylor.
Gibbs,		

NAYS—1.

Davis.

Senate bill 24, "An act authorizing the Commissioner of the General Land Office to employ additional clerks, and fixing their salaries," was taken up, read third time and passed by the following vote:

YEAS—27.

Buchanan,	Gibbs,	Patton,
Chesley,	Gooch,	Peacock,
Collins,	Harris,	Perry,
Cooper,	Houston,	Pfeuffer,
Evans,	Jones,	Pope,
Farrar,	King,	Randolph,
Fleming,	Kleberg,	Shannon,
Fowler,	Martin,	Terrell,
Getzendaner,	Matlock,	Traylor.

NAYS—2.

Davis,	Johnson of Collin.
--------	--------------------

On motion of Senator Collins, Senate adjourned until tomorrow morning at 10 o'clock.

FOURTEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 25, 1883. }

The Senate met pursuant to adjournment. Lieutenant-Governor Martin in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Stratton, the reading of the journal of yesterday was dispensed with, and the same adopted.

Senator Martin, chairman of Committee on Engrossed bills, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, January 24, 1883.

Honorable Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 2, being "An act to amend article 3201, chapter 1, title 62, of the Revised Statutes."

Also, Senate bill No. 9, being "An act to amend articles 730 and 731 of the Code of Criminal Procedure."

Also, Senate bill No. 81, being "An act to prevent certain county officers, their deputies and employees, from purchasing property at tax sales."

Also, Senate bill No. 94, being "An act requiring the printing and publication of five thousand copies of the general laws of the Sixteenth and Seventeenth Legislatures, and the general laws of the called session of the Sixteenth Legislature;" and find the same correctly engrossed.

MARTIN, Chairman.

Senator Randolph, chairman of Committee on Private Land Claims, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 25, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Private Land Claims, to whom was referred Senate petition No. 9, have carefully considered the same, but there being no one present to represent the claim, your committee were unable to see any merit in it, and instruct me to report it back with the recommendation that the relief prayed for be not granted.

RANDOLPH, Chairman.

Bill read first time.

Senator Houston introduced a bill to be entitled "An act to amend section 2, and repeal section 3, of chapter 19, of the general laws of the State of Texas, passed at the regular session of the Seventeenth Legislature." Referred to Judiciary Committee No. 1.

Also, "An act to diminish the civil and criminal jurisdiction of the county courts of Atascosa, Live Oak, and San Patricio counties," etc. Referred to Judiciary Committee No. 1.

Senator Johnson of Collin, introduced a bill to be entitled "An act to amend article 4705 of the Revised Statutes of the State of Texas." Referred to Committee on Finance.

Senator Kleberg offered a joint resolution, requesting Texas Senators and Representatives to secure division of

work on the Texas coast in two or more districts, and for additional engineer officers. Referred to Committee on State Affairs.

Senator Martin introduced a bill to be entitled "An act to amend article 194, chapter 1, title 8, of the Penal Code of Texas." Referred to Judiciary Committee No. 2.

Also, a joint resolution "to amend section 6, article 7, of the Constitution of the State of Texas." Referred to Committee on Constitutional Amendments.

Senator Davis introduced a bill entitled "An act to provide for the disposition of the lands belonging to the public free school fund." Referred to Committee on Public Lands, and, on motion of Senator Fleming, one hundred copies ordered printed.

Senator Stratton introduced a bill entitled "An act to amend article 1173, of chapter 4, title 28, of the Revised Statutes." Referred to Judiciary Committee No. 1.

Also, a bill to be entitled "An act to facilitate the collection of taxes." Referred to Judiciary Committee No. 1.

Also, a bill to be entitled "An act to amend chapter 4, title 12, of the Penal Code, by adding thereto articles 403a, 403b, and 403c." Referred to Judiciary Committee No. 2.

Also, a bill to be entitled "An act to amend chapter 2, title 8, of the Penal Code, by adding thereto article 198a." Referred to Judiciary Committee No. 2.

Senate joint resolution, No. 15, to amend section 9, article 8, of the Constitution of the State of Texas, was taken up as special order for this hour, the amendment of Senator Fleming pending.

Pending amendment withdrawn by Senator Fleming, who offered the following as a substitute: Amend by striking out, in line 7, the words "twenty-five cents," and insert "thirty cents."

Senator Houston moved to recommit the bill. Motion lost.

Senator Patton offered the following substitute for Senator Fleming's amendment; Insert after "year," in line 11, "provided, that the people of any county in this State may, by a vote of two-thirds of the qualified electors of said county, authorize the levy of an additional tax for county purposes." Substitute lost.

Senator Fleming's amendment was adopted.

Senator Pope offered the following amendment: Amend by striking out the word "roads," in line 10.

Senator Chesley offered the following substitute for the amendment of Senator Pope: Amend by adding at the end of the twelfth line the following: "Provided, that no tax for roads, bridges and streets shall ever exceed fifteen cents on the one hundred dollars in any one year."

Substitute lost by the following vote:

YEAS—14.

Cooper,	Gooch,	Perry,
Davis,	Johnson of Collin,	Randolph,
Farrar,	Matlock,	Stratton,
Fleming,	Patton,	Terrell.
Fowler,	Peacock.	

NAYS—15.

Collins,	Houston,	Martin,
Evans,	Johnston of Shelby,	Pfeuffer,
Getzendaner,	Jones,	Pope,
Gibbs,	King,	Shannon,
Harris,	Kleberg,	Traylor.

Senator Gooch offered the following amendment: Strike out all after the words "except for the payment of debts incurred prior to the adoption of this amendment," and insert the following: "Not to exceed in any one year twenty-five cents on the one hundred dollars valuation; and except also, to aid in construction and repair of bridges, roads and streets, not to exceed in any one year fifteen

cents on the one hundred dollars valuation; and except also, to construct and repair public buildings, not to exceed twenty-five cents on the one hundred dollars valuation; and except also as may be provided in this Constitution."

Senator Davis called for a division of the amendment.

Senator Gibbs moved to recommit the bill.

Senator Houston made the point of order that a motion to recommit would now be out of order, as one motion to recommit the same had already been voted down this morning, and at the same stage of the joint resolution. Point of order sustained.

Senator Gibbs moved to postpone the joint resolution under consideration until Wednesday next, and that it be made a special order immediately after the morning call for that day. Lost, by the following vote:

YEAS—13.

Davis,	Gibbs,	Peacock,
Evans,	Getzendaner,	Pfeuffer,
Farrar,	Johnson of Collin,	Shannon,
Fleming,	Jones,	Stratton.
Fowler,		

NAYS—18.

Buchanan,	Houston,	Patton,
Chesley,	Johnston of Shelby,	Perry,
Collins,	King,	Pope,
Cooper,	Kleberg,	Randolph,
Gooch,	Martin,	Terrell,
Harris,	Matlock,	Traylor.

(The President pro tem in the chair.)

The first division of the pending amendment was adopted.

Senator Davis moved to reconsider. Lost, by the following vote:

YEAS—13.

Chesley,	Johnson of Collin,	Peacock,
Davis,	Kleberg,	Pfeuffer,
Farrar,	Matlock,	Shannon,
Gibbs,	Patton,	Terrell.
Houston,		

NAYS—18.

Buchanan,	Getzendaner,	Martin,
Collins,	Gooch,	Perry,
Cooper,	Harris,	Pope,
Evans,	Johnston of Shelby,	Randolph,
Fleming,	Jones,	Stratton,
Fowler,	King,	Traylor.

Senator Stratton offered the following amendment to second division of the amendment: Amend by striking out "fifteen cents," and insert "twenty cents." Lost by the following vote:

YEAS—9.

Collins,	Fleming,	Jones,
Davis,	Fowler,	Pfeuffer,
Farrar,	Houston,	Stratton.

NAYS—20.

Buchanan,	Harris,	Perry,
Chesley,	Johnson of Collin,	Pope,
Cooper,	Johnston of Shelby,	Randolph,
Evans,	King,	Shannon,
Getzendaner,	Martin,	Terrell,
Gibbs,	Matlock,	Traylor.
Gooch,	Peacock,	

Senator Gibbs offered the following amendment: Amend by adding at end of clause "fifteen cents," "provided, a majority vote of the owners of real estate to the value of two hundred and fifty dollars, in any county in the State, may levy a tax not exceeding fifty cents for road purposes." Adopted.

Senator Davis offered the following: Strike out "fifteen cents" and insert "ten cents." Lost, and second division of the pending amendment adopted.

Senator Stratton moved to postpone the joint resolution until Monday morning next.

Senator Gooch moved to postpone until to-morrow.
 Senator Stratton withdrew his motion temporarily.
 Senator Terrell offered the following amendment:
 Substitute for section 9—

Section 9. The State tax on property, exclusive of the tax necessary to pay the public debt, shall never exceed forty cents on the one hundred dollars valuation, and no city or town shall levy more than thirty cents on the one hundred dollars valuation; provided, that any county, city or town may levy a tax not to exceed twenty-five cents in one year for the payment of debts contracted before the first day of March, 1888, and they may also levy a special tax not to exceed — cents in any one year, to construct court houses, bridges and other public improvements, to be levied and collected only after two-thirds of the citizens of such city, county or town owning two hundred and fifty dollars worth of real estate, situate therein, shall have voted in favor of such tax.

Senator Stratton renewed his motion to postpone until Monday next, but afterwards withdrew it, and the motion of Senator Gooch to postpone until to-morrow was adopted.

(Lieutenant-Governor in the chair.)

On motion of Senator Shannon, A. M. Belvin, Esq., Engraving Clerk of the Senate, was excused for to-day and to-morrow, on account of sickness.

Senator Pfeuffer, by leave, introduced a bill to be entitled "An act expressive of the approval and recommendation of legislation now pending before the Congress of the United States, providing for the establishment of agricultural experiment stations in each State in connection with the agricultural and mechanical colleges." Referred to Committee on Agricultural Affairs.

Senator Gooch, chairman of Judiciary Committee No. 2, submitted the following reports:

COMMITTEE ROOM,
 AUSTIN, January 25, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 97, entitled "An act amendatory of article 377, of the second section of an act to adopt a Penal Code and Code of Criminal Procedure of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass, for the reason that the present law relating to the organization of the grand jury is sufficient.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,
 AUSTIN, January 25, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 120, entitled "An act to provide for the payment of the expenses of attached witnesses in felony cases," have carefully examined the same, and instruct me to report the same back, with the recommendation that it do pass, as amended, to-wit: "Amend by striking out section 2 of the bill," and amend section 3 by leaving off the concluding words "nor shall any witness recognized or attached for the purpose of proving the general character of the defendant be entitled to the benefits hereof."

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,
 AUSTIN, January 25, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 127, entitled "An act to prohibit the hiring and employment of minors, and to fix a penalty therefor," have had the same under consideration, and instruct me to report the same back with the recommendation that it do not pass.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,
 AUSTIN, January 24, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 21, entitled "An act to amend article 1107, of the Code of Criminal Procedure of the State of Texas, and to add thereto articles 1107a, 1107b, 1107c, 1107d and 1107e, and the substitute offered therefor," have carefully examined the same, and instruct me to re-

port the same back with the recommendation that it do lie on the table, as a bill, to-wit, No. 120, on the same subject, has been reported favorably by this committee.

Gooch, Chairman.

Bill read first time.

The President referred the following House bills and resolutions to the committees named in connection with each, viz:

House concurrent resolution No. 7, "Instructing our Senators and requesting our Representatives in Congress to vote against any tax on quinine." Referred the Committee on State Affairs.

House bill No. 14, to be entitled "An act to amend article 1265, of chapter 8, title 29, of the Revised Civil Statutes relating to verified answers in civil cases." Referred to Judiciary Committee No. 1.

House bill No. 24, to be entitled "An act to amend article 1052, title 15, chapter 2, of the Code of Criminal Procedure of the State of Texas." Referred to Judiciary Committee No. 2.

A message from the House was received announcing the passage by that body of Senate bill No. 24, entitled "An act authorizing the Commissioner of the General Land Office to employ additional clerks, and fixing their salaries."

Senator Terrell, by unanimous consent, introduced a bill entitled "An act to provide for the payment to the University fund of the bonds, amounting to \$134,472.26, executed by the State of Texas, January 1, 1867, in favor of said University fund, under an act of the Eleventh Legislature, approved November 12, 1866, entitled 'an act for the purpose of carrying into effect an ordinance of the late convention, securing the common school and University fund, and for other purposes,' and the interest on said bonds." Referred to Committee on Education.

Senate joint resolution No. 1, "providing that one hundred copies of the acts of the extra session of the Sixteenth Legislature be provided for the use of the Senate, and that the Committee on Public Printing have them printed and placed upon the desks of the Senators as soon as possible," was taken up and read second time. Unfavorable committee report adopted, and resolution lost.

Senate joint resolution No. 2, "that 5000 copies of the Governor's message be printed, and that 1000 copies be printed in the German language," was taken up, with favorable report from committee, report adopted, and, on motion of Senator Martin, resolution adopted.

Senator Davis moved to suspend regular order of business to take up Senate bill No. 94, "An act requiring the printing and publication of 5000 copies of the general laws of the Sixteenth and Seventeenth Legislatures, and the general laws of the called session of the Sixteenth Legislature." Adopted, and bill taken up and passed by the following vote:

YEAS—29.

Buchanan,	Gibbs,	Patton,
Chesley,	Harris,	Peacock,
Collins,	Houston,	Pfeuffer,
Cooper,	Johnson of Collin,	Pope,
Davis,	Johnston of Shelby,	Randolph,
Evans,	Jones,	Shannon,
Farrar,	King,	Stratton,
Fleming,	Kleberg,	Terrell,
Fowler,	Martin,	Traylor,
Getzenaner,	Matlock,	

NAYS—none.

A message was received from the House announcing that they had passed a concurrent resolution providing for the appointment of a committee to visit the penitentiaries.

Senator Kleberg moved to adjourn till to-morrow morning at 10 o'clock. Motion lost by the following vote:

YEAS—11.

Buchanan,
Chesley,
Collins,
Cooper,

Fowler,
Getzendaner,
Kleberg,
Martin,

Patton,
Peacock,
Randolph.

NAYS—17.

Evans,
Farrar,
Fleming,
Gibbs,
Gooch,
Harris,

Houston,
Johnson of Collin,
King,
Matlock,
Perry,
Pfeuffer,

Pope,
Shannon,
Stratton,
Terrell,
Traylor.

Senate bill No. 40, "An act to amend article 140," was taken up and ordered engrossed.

Senate bill No. 30, "An act to amend article 1000 of chapter 1, title 13, of the second section of 'an act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas,' passed February 21, 1879," was taken up, read the third time and passed.

Senate bill No. 33, "An act to amend article 800, chapter 3, title 9, of the second section of 'an act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas,' passed February 21, 1879," was taken up, read the third time and passed.

Senate bill No. 34, "An act to amend article 240 of title 8, chapter 6, of the first section of 'an act to adopt and establish a Penal Code and a Code of Criminal Procedure of the State of Texas,' passed February 21, 1879," was taken up, read the third time and passed.

Senate bill No. 38, "An act to diminish the jurisdiction of county courts of certain counties, and to conform the jurisdiction of the district courts to such change," was taken up, read third time, and passed by the following vote:

NAYS—29.

Buchanan,
Chesley,
Collins,
Cooper,
Davis,
Evans,
Farrar,
Fleming,
Fowler,
Getzendaner,

Gibbs,
Gooch,
Harris,
Johnson of Collin,
Johnston of Shelby,
Jones,
King,
Kleberg,
Martin,
Matlock,

Patton,
Peacock,
Perry,
Pfeuffer,
Pope,
Randolph,
Shannon,
Stratton,
Terrell.

NAYS—none.

Senate bill No. 39, "An act to amend articles 314 and 315, chapter 3, title 9, of the Penal Code of the State of Texas," was taken up, read the third time and passed.

Senate bill No. 41, "An act to provide for the payment of fees to county judges, justices of the peace, sheriffs, constables, district and county attorneys for services rendered in examining courts in felony cases," was taken up and read the third time.

Senator Fowler offered the following amendment: Amend caption by adding the words "and for services rendered at inquests." Adopted by the following vote:

YEAS—21.

Buchanan,
Chesley,
Collins,
Cooper,
Fleming,
Fowler,
Gooch,

Harris,
Houston,
Johnston of Shelby,
Jones,
Kleberg,
Martin,
Matlock,

Perry,
Pfeuffer,
Pope,
Randolph,
Shannon,
Stratton,
Terrell.

NAYS—10.

Davis,
Evans,
Farrar,
Getzendaner,

Gibbs,
Johnson of Collin,
King,

Patton,
Peacock,
Traylor.

Also, the following: Amend section 4, by adding after the word "magistrate," in the fourth line, the words "and for services rendered in behalf of the State at any inquest." Adopted by the following vote:

YEAS—22.

Buchanan,
Chesley,
Collins,
Cooper,
Fleming,
Fowler,
Getzendaner,
Gooch,

Harris,
Houston,
Johnston of Shelby,
Jones,
Kleberg,
Martin,
Matlock,

Pfeuffer,
Pope,
Randolph,
Shannon,
Stratton,
Terrell,
Traylor.

NAYS—8.

Davis,
Evans,
Farrar,

Gibbs,
Johnson of Collin,
King,

Peacock,
Perry.

The following message was received from the Governor:

EXECUTIVE OFFICE,
AUSTIN, TEXAS, January 25, 1883. }

To the Senate:

I respectfully ask your consent to the appointment of E. G. Bowler to be notary public in Dallas county, and W. L. Thomas to be notary public in Harrison county. JNO. IRELAND, Governor.

Senator Gibbs moved to amend by adding:

Section 5. In habeas corpus cases the district clerk shall receive the same fees as in other cases for similar services, provided his fees in no one habeas corpus case shall exceed \$10.

Also, amend caption by adding "and providing for fees for district clerks in habeas corpus cases."

Senator Peacock moved to amend by inserting before the word "cases" the word "felony." Accepted by Senator Gibbs.

Senator Davis raised the point of order that the amendment was unconstitutional.

The President ruled that it was out of his power, as President of the Senate, to decide upon the constitutionality of the amendment, and left the adjudication of the question to the Senate.

Senator Martin moved to adjourn till 10 o'clock to-morrow. Motion lost by the following vote:

YEAS—8.

Chesley,
Collins,
Harris,

Martin,
Matlock,
Patton,

Perry,
Terrell.

NAYS—21.

Buchanan,
Cooper,
Davis,
Evans,
Farrar,
Fleming,
Fowler,

Gooch,
Houston,
Johnson of Collin,
Johnston of Shelby,
Jones,
King,
Kleberg,

Peacock,
Pfeuffer,
Pope,
Randolph,
Shannon,
Stratton,
Traylor.

Senator Harris moved to postpone the bill and make it the special order for to-morrow morning after the first special order for that day.

While Senator Davis had the floor, Senator Gibbs raised the point of order that on a question of postponement discussion is out of order. Point of order overruled.

Senator Harris moved the previous question on the motion to postpone.

Motion seconded and main question ordered.

Motion to postpone adopted by the following vote, the amendment of Senator Gibbs pending.

YEAS—17.

Chesley,
Cooper,
Davis,
Getzendaner,
Harris,
Johnson of Collin,

Kleberg,
Martin,
Matlock,
Patton,
Peacock,
Perry,

Pope,
Randolph,
Shannon,
Terrell,
Traylor.

NAYS—14.

Buchanan,
Collins,
Evans,
Farrar,
Fleming,

Fowler,
Gibbs,
Gooch,
Houston,
Johnston of Shelby,

Jones,
King,
Pfeuffer,
Stratton.

On motion of Senator Harris, Senate adjourned till to-morrow morning at 10 o'clock.